IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.10527 of 1997

Between:

1. Chevuru Subba Reddy,
   s/o.Venkatarami Reddy
   aged about 50 years
2. Sri Sunkara Venkata Dayakara
   Reddy, s/o. S.V.Ramana Reddy'
   aged 45 years .. Petitioner

AND

1. The District Collector,
   Nellore.
2. District Manager,
   A.P. State Housing Corporation,
   Nellore.
3. Executive Engineer,
   A.P. State Housing Corporation,
   Nellore.

4. Deputy Executive Engineer,

A.P. Housing Corporation,

Kavali, Nellore District.

5. Assistant Executive Engineer,

A.P. State Housing Corporation,

Kavali Town Area, Kavali,

Nellore District.

6. Revenue Divisional Officer,

Kavali, Nellore District.

7. Mandal Revenue Officer,

Kavali Rural Mandal,

Kavali, Nellore District.

.. Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly a writ of mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioners land to an extent of 54½ cents in S.No.1932/2, Patta No.199 of Kavali Bit-II village and making structures in the above land as illegal, improper, unjust and contrary to law and further to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners land.

Counsel for the petitioners : Sri K.G.Krishna Moorthy

Counsel for the respondents 1, 6 & 7 : Government Pleader for Revenue

Counsel for the respondents 2 to 5 : None appeared

The Court made the following :

ORDER:

The Writ Petition is filed praying for writ, order or direction more particularly a writ of mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioners land to an extent of 54½ cents in S.No.1932/2, Patta No.199 of Kavali Bit-II village and making structures in the above land as illegal, improper, unjust and contrary to law and further to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners land and to pass such other suitable orders.

The petitioners state that they purchased land in S.No.1932/2 of an extent of 54½ cents in Kavali village Bit-II under the agreement of

sale from one Surisetty Chenchu Subramanyam and others on 20-10-1986 for a valid consideration of Rs.20,000/- and since then they are in possession and enjoyment of the said land by cultivating the same. It is also stated that when there was unauthorized interference they issued certain notices and without putting them on notice and without following any procedure their possession is being disturbed.

It facts and circumstances of the case, inasmuch as the petitioners are claiming to be in possession of the property, the respondents are directed to put the petitioners on notice if they chose to evict the petitioners from the said properties. Thus it is made clear that status-quo existing as on today to be maintained unless and until the petitioners are evicted by the respondents by following the due process of law.

The Writ Petition is disposed of accordingly. No order as to costs.

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P.S.Narayana.,J

Date : 7-12-2004

AM

To :

1. The District Collector,

   Nellore.

2. District Manager,

   A.P. State Housing Corporation,

   Nellore.

3. Executive Engineer,

   A.P. State Housing Corporation,

Nellore.

4. Deputy Executive Engineer,

A.P. Housing Corporation,

Kavali, Nellore District.

5. Assistant Executive Engineer,

A.P. State Housing Corporation,

Kavali Town Area, Kavali,

Nellore District.

6. Revenue Divisional Officer,

Kavali, Nellore District.

7. Mandal Revenue Officer,

Kavali Rural Mandal,

Kavali, Nellore District.

8. 2 copies to Government Pleader for

Revenue, High Court of A.P.

High Court Buildings,

Hyderabad.

9. 2 C.D. copies